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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF UTAH

BARCLAY BUTERA  
DEVELOPMENT, INC., BARCLAY  
BUTERA, INC., and BARCLAY  
BUTERA, individually,

Plaintiff,

VS.

THE ANNEX, LLC. d/b/a HELM  
HOME and MARIO FERREIRA,

## Defendants

## UNOPPOSED MOTION FOR DISMISSAL

Civil Action No. 2:23-CV-00633-  
HCN-JCB

Judge: Honorable Howard C. Nielson, Jr.

**TO THE COURT AND ALL PARTIES IN INTEREST:**

COMES NOW Plaintiff Barclay Butera Development Inc., Barclay Butera, Inc., and Barclay Butera, individually (hereinafter “Plaintiffs”) and who files this Unopposed Motion to Dismiss with Prejudice.

1. Plaintiffs are Barclay Butera Development Inc., Barclay Butera, Inc., and Barclay Butera, individually.

2. Defendant is The Annex, LLC d/b/a Helm Home.

3. Reasons For Dismissal. Plaintiffs' and Defendant The Annex, LLC d/b/a Helm Home have reached a settlement and compromise of all claims Plaintiffs have asserted in this lawsuit.

4. This case is not a class action under FED. R. CIV. P. 23, a derivative action under FED. R. CIV. P. 23.1, or an action related to an unincorporated association under FED. R. CIV. P. 23.2.

5. A receiver has not been appointed in this case.

6. This case is not governed by any federal statute that requires a court order for dismissal of the case.

7. No party hereto is an infant or incompetent.

8. This dismissal is with prejudice to refile.

9. Accordingly, Plaintiffs voluntarily dismiss all claims against The Annex, LLC d/b/a Helm Home, with prejudice to refile, and request this Honorable Court to sign the attached order of dismissal. See Fed. R. Civ. P. 41(a)(1)(A)(ii).

**Dated: October 7, 2024,**

**The Vethan Law Firm, PC**

By: /s/ Charles M.R. Vethan

Charles M.R. Vethan

*Attorney for Plaintiff*

*Barclay Butera Development Inc., Barclay Butera, Inc., and Barclay Butera*

**CERTIFICATE OF CONFERENCE**

The undersigned counsel hereby certify that a conference was held with Defendant The Annex, LLC d/b/a Helm Home, regarding Plaintiffs' settlement and dismissal. The parties are in agreement and settlement documents have been executed.

/s/ Joseph L. Lanza  
Joseph L. Lanza

**CERTIFICATE OF SERVICE**

The undersigned counsel certifies that a true and correct of copy of this instrument was served on all parties, represented through counsel or *pro se*, through ECF, email and/or Certified Mail, pursuant to the Federal Rules of Civil Procedure, on October 7, 2024, as follows:

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***Attorneys for Defendant***  
***THE ANNEX, LLC d/b/a HELM HOME***

By: /s/ Joseph L. Lanza  
Joseph L. Lanza